

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James W. O'Toole, Jr. and Mark Stuart Day
Serial No.: 10/624,297
Title: METHODS AND APPARATUS FOR USE IN SURVEILLANCE
SYSTEMS
Filing Date: July 22, 2003
Examiner: Almeida, Devin E.
Art Unit: 2132
Conf. No.: 7810

SUBMISSION VIA EFS WEB

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CORRECTED OFFICE ACTION

Sir or Madam:

Applicants hereby request a corrected Office Action in accordance with MPEP § 710.06. Applicants' representative attempted to contact the Examiner by telephone within the first month after the Final Office Action was sent, however, such attempts were unsuccessful. Therefore, this request is being made in writing.

The Final Office Action sent November 13, 2008 contains errors that affect applicants' ability to reply to the Office Action. The Final Office Action, on page 2, states that "Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection." However, the rejections of claims 17 and 32 appears to be substantively identical (and, in fact, is almost word-for-word identical) to the rejections of those claims presented in the previous Office Action sent July 24, 2007. Although Applicants submitted an extensive traversal of that rejection, the Final Office Action sent November 13, 2008 has not responded to Applicants' traversal, while

repeating the same rejection.

MPEP § 707.07(f) states, "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." In addition, MPEP § 710.06 states,

"Where the citation of a reference is incorrect or an Office action contains some other error that affects applicant's ability to reply to the Office action and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant."

The failure of the Final Office Action to answer Applicants' argument negatively affects Applicants' ability to respond to the Office Action. Applicants are unable to determine on what basis the traversal was rejected, and therefore Applicants are unable to properly craft additional arguments further traversing the rejection.

Therefore, because the Final Office Action did not answer the substance of Applicants' traversal of the rejections of claim 17 and 32 while repeating the rejection of those claims contrary to MPEP § 707.07(f), and because that omission negatively affects Applicants' ability to reply to the Office Action, Applicants hereby call the error to the attention of the Office and hereby request that the error be corrected (preferably with the mailing of a corrected Final Office Action) and that the period for reply be restarted from the date the error is corrected.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Request, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

U.S. Application No.: 10/624,297

Attorney Docket No.: 1004-120

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Respectfully submitted,

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Dated: December 13, 2007